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ROUMANIA AND THE MONROE DOCTRINE.

As a consequence, it would seem, of Secretary Hay's note to the signatory Powers, the Roumanian government, some time since, came to the conclusion that "a decent respect to the opinions of mankind" demanded the granting of naturalization to Roumanian Jews, hitherto considered as "aliens." Yet our own constitutional system is proof of the fact that a citizen of the United States may be practically deprived of the voting franchise, and of other rights inherent in that of citizenship.

The note in question aroused conflicting feelings abroad. All, or almost all, Jews naturally approved of it, here as well as in Europe. That should not cause surprise. Unfortunately, as in the case of our intervention in Cuba, avowedly interested motives were joined to an appeal in behalf of "humanity." Mr. Hay said: "It behooves the State to scrutinize most jealously the character of the immigration from a foreign land, and, if it be obnoxious, to examine the causes which render it so. Should those causes originate in the act of another sovereign State, to the detriment of its neighbors, it is the prerogative of an injured State to point out the evil and to make remonstrance; for with nations, as with individuals, the social law holds good that the right of each is bounded by the right of the neighbor." And further on he added: "This Government cannot be a tacit party to such an international wrong. It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity."

It might be pertinently asked: Had the emigration of the Jewish inhabitants of Roumania taken another direction than toward the United States—to South America, for the sake of illustration—would our protest against being a "tacit

party" to the "international wrong" ever have been made? The question may be permitted, without desiring to impeach, in any way, the righteousness of the protest. Moreover, in receiving exiled Jews, at no matter what cost to our well-being, we could scarcely be considered as a "party" to the wrong inflicted, since it is acknowledged that here is the only haven of refuge that the persecuted Jews can find. Much more might it be said that we became such a "party" by making a temporarily effective protest, as a result of which those Jews who had started on their journey here—having sold all their worldly goods and purchased their railway tickets—were prevented by the Roumanian authorities from emigrating.

Nevertheless, in a dispatch dated July 22, 1872, the Secretary of State, Mr. Fish, wrote to Mr. Curtin, our Minister to Russia:¹ "It has been suggested to this Department, and the suggestion is concurred in, that if the sympathy which we entertain for the inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia were made known to the government to which you are accredited, it might quicken and encourage the efforts of that government to discharge its duty as a protecting power pursuant to the obligations of the treaty between certain European States. Although we are not a party to that instrument, and, as a rule, scrupulously abstain from interfering, directly or indirectly, in the public affairs of that quarter, the grievance adverted to is so enormous as to impart to it, as it were, a cosmopolitan character, in the redress of which all countries, governments, and creeds are alike interested. You will consequently communicate on this subject with the Minister for Foreign Affairs of Russia, in such a way as you may suppose might be most likely to compass the object in view."

It will be seen that to suppose that any special influence could be exerted by Russia would be to suppose a constructive contravention of the terms of the Treaty of Paris, as

¹MSS. Inst. Russia; For. Rel., 1872; from Wharton's "Digest of International Law," Section 55.

confirmed by the Treaty of London, which forbid a separate right of interference in the internal affairs of those principalities. Again, in the light of the strong influence exerted by Russia on Roumanian affairs up to, and for some years after, that time, and of the Department's present knowledge that Roumania's policy, with regard to the Jews, was much the same as that of Russia, it is astonishing that it should now imagine Secretary Hay's note would be regarded with *complaisance* by the Russian government, or would tend to make things any better for us in the future, whether or not it might help the Roumanian Jews.

By the Treaty of Berlin, of 1878, the signatory Powers recognized the independence of Roumania, subject, however, to these conditions: that the difference of religious creeds and confessions should "not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honors, or the exercise of the various professions and industries in any locality whatsoever." Also, that the freedom and outward exercise of all forms of worship should "be assured to all persons belonging to the Roumanian State, as well as to foreigners;" that no hindrance should be "offered either to the hierarchical organization of the different communions, or to their relations with their spiritual chiefs;" and that "the subjects and citizens of all the powers, traders or others," should be treated "without distinction of creed, on a footing of perfect equality." (Article XLIV.)

With reference to this article of the treaty, Mr. Thomas Erskine Holland says:² "In August, 1879, the Powers had nearly agreed to employ coercion to obtain the performance of these conditions, . . . but the Chambers having, in November, repealed Art. 7 of the Constitution of 1866 (Leg. Ottom. li., 96), which excluded nonchristians from naturalization, identical notes were presented on February 20, 1880, to the Roumanian Minister of Foreign Affairs by the agents

²"European Concert in the Eastern Question," pages 301, 302, note.

of Germany, France, and Great Britain announcing the intention of their governments to enter into diplomatic relations with the country. Austria, Italy, and Russia had previously taken this step. The large number of Jews in Roumania (400,000, it is said, in a total population of 4,500,000) has, however, continued to give rise to difficulties. Individual naturalization is required before full political rights can be acquired, and foreigners are incapable of holding land."

It will be seen, from the foregoing, that Russia was not one of those Powers which held out until assurances had been given that justice would be rendered to the Jews by Roumania, in accordance with the treaty; also, that no more is now promised, as a result of Secretary Hay's circular note, than was promised to the Powers twenty-three years ago, as well as to the American Minister at Vienna in February, 1879.

Thus, negotiations having been begun through the Roumanian Envoy at Vienna, M. Balatshano, for this government's entrance into diplomatic relations with the new Power, Mr. Kasson relates a conversation held with him,³ in the course of which M. Balatshano, in response to allusions made by our Minister, assured him that the laws of Roumania would be so changed as to meet the requirements of the Treaty of Berlin with respect to the Roumanian Jews, and to establish for them the basis of absolute equality before the law with other races. He said that as the number of Roumanian Jews was estimated at 600,000—less than one-tenth being native-born—he thought his country had "a right to protect her own native race from being overwhelmed by a foreign invasion of this character which did not wish to submit to the duties and responsibilities which are borne by natives of the Roumanian race." Mr. Kasson adds that the Roumanian Minister then "referred with politeness, and not without a point which I appreciated, to the law just

³Mr. Kasson to Mr. Evarts, February 16, 1879; For. Rel., 1879; Austria-Hungary.

passed by one House of our Congress for the suppression of Chinese immigration to the United States, although the proportion of that race present in the United States to the native population is minute in comparison with that of the Jewish immigrants to the native Roumanians."

It was finally decided, in 1880, to send a diplomatic representative to Bucharest, the title chosen by Congress—with a fine disregard of the accepted rules now governing intercourse between nations—being that of "Diplomatic Agent and Consul General." Indeed, Mr. Eugene Schuyler, who had been appointed to the position, "suggested to the State Department all the difficulties that might arise, as Roumania, *being then independent both in fact and by treaty* [italics those of the writer]," "would insist on having a diplomatic representative called by one of the titles agreed to by the rules of the Congress of Vienna. He was, therefore, accredited directly to the sovereign, with the expectation that he might come in under the general clause of 'other persons accredited to sovereigns' (Rules of Vienna, Art. I.). This, however the Roumanians refused to permit, and for some months he was refused any official recognition. It was only when his title was altered to that of *Chargé d'affaires*, and he received his commission as such, accredited not to the prince but to the Minister of Foreign Affairs, that he was considered to belong to the diplomatic body and allowed to treat officially with the government."⁴

To show, however, that our sympathy for the "inhumanly persecuted Hebrews in the principalities of Moldavia and Wallachia" (as expressed by Secretary Fish in the above cited dispatch of July 22, 1872), did not prevent our desiring a closer connection with the government that still persecuted them, a dispatch from Mr. Evarts to Mr. Kasson (for some reason not found in the volumes of "Foreign Relations" for that year), dated August 9, 1879, says: "Although the mitigation of the persecution of the Hebrew race in Roumania could not be made a *sine qua non* to the establishment of

⁴"American Diplomacy," pages 120, 121.

official relations with that country, yet it may be made the subject of kindly representations prior to the establishment of such relations.”⁵

Secretary Hay’s note should have been addressed to the Roumanian government, and not to the signatory Powers; for it is evident from what precedes—and it could be further easily proved—that Roumania, as a Power, retained her capacity to treat, as well as to make peace or war; that she had exercised the rights of a sovereign State, *de facto* as well as *de jure*—rights and capacities essential to sovereignty—and that the United States government had fully recognized such exercise on her part. She has, however, waived this advantage, and acted or promised to act. We have here another mistake of American diplomacy settled in our favor more by good luck than by good management.

In Wharton’s “Digest of International Law” (already cited)—which may be considered in the light of a government text-book—Chapter III. treats of “Intercession with Foreign Sovereignities;” and the general rule is said to be—as it has been in the main, since the foundation of the republic—that of nonintervention in the affairs of foreign nations. But to this general rule there are thirteen separate and distinct “exceptions,” which are enumerated as follows: Relief and protection of citizens abroad; agencies to obtain information as to pending insurrection; sympathy with liberal political struggles; hospitality to political refugees; mediation; necessity, as where marauders can be checked only by such intervention (and to this exception there are five subdivisions); explorations in barbarous lands (*e. g.*, the Congo); intercession in extreme cases of political offenders; international courts in semicivilized lands; good offices for missionaries abroad; good offices for persecuted Jews; nonprohibition of publications and subscriptions in aid of political action abroad; charitable contributions abroad. Under all the varying circumstances detailed above the United States gov-

⁵Wharton’s “Digest of International Law,” second edition, Section 55, MSS. Inst. Austria.

ernment claims the right to interfere or take appropriate action.

On the other hand, under the head of "Intervention of European Sovereigns in Affairs of This Continent—Monroe Doctrine;" there are *no* exceptions made in favor of such sovereigns; and the "Special Applications" of that Doctrine—of which there are likewise thirteen—are indicated as being in the cases respectively of Mexico; Peru; Cuba; San Domingo and Hayti; Danish West Indies; Hawaii (Sandwich Islands); Samoa, the Caroline, and other Pacific Islands; Korea; Falkland Islands; Liberia; China; Japan; Turkey, Tripoli, and Tunis—a fairly comprehensive list.

What, at first view, from the above partial "table of contents," would a foreigner suppose the policy and claims of our government to be? Our excursions into the field of world-politics bid fair, in the future, to have some curious effects. Whether the results for us will be as favorable as in the case of Napoleon's "disregard of the rules of warfare," of which his opponents complained, remains to be seen.

The difficulty of adhering to the Monroe Doctrine, and yet of making a virtual claim to interfere in the domestic affairs of other nations—and that indirectly—should be evident. The one attitude appears to the sense of the world at large as incompatible with the other, and no subtle reasoning will change this. If the United States government had intentionally sought an *endroit* where it could step in with the probability of stirring up strife and causing at least ill feeling toward ourselves, it could not have chosen better. It was certainly plunging *in medias res*. And the ill feeling will remain, notwithstanding the apparent perfect success obtained. For was not the "Monroe Doctrine" directed primarily against the "Holy Alliance"—called, at first, the "Sacred Alliance"—that is to say, the Emperors of Austria and of Russia, and the King of Prussia, acting as absolute sovereigns without the intervention of responsible Ministers or diplomatic agents; the ostensible object of that alliance being the subordination of politics to the Christian religion; the real principle, the establishment of *jure divino* autocra-

cies, each sovereign incorporating in himself "the Christian religion," as well as supreme political power?

And yet membership in that very Alliance was suggested to this government early in 1820 by the Emperor of Russia. John Quincy Adams, Mr. Monroe's Secretary of State, in declining this invitation, wrote to our Minister at St. Petersburg (July 5, 1820): "The political system of the United States is essentially extra-European. To stand in firm and cautious independence of all entanglement in the European system has been a cardinal point in their policy under every administration of their government from the peace of 1783 to this day." An odd spectacle, indeed, would have been presented had the Monroe Doctrine been promulgated against ourselves as a member of that Alliance; such promulgation necessarily involving noninterference, on our part, in South and Central American affairs. Yet might not such international stipulation—such membership—have proved, in a certain degree, an advantage to this country? To have, by the acceptance of Russia's offer (followed by the announcement of the Monroe Doctrine), in a sense enjoined ourselves, with the three allied Powers, from interference involving the grasping of territory in those countries, might have resulted in proving, for the time at least, to such Powers—as well as to those outside the "Alliance"—that our action was wholly disinterested, a thing they are not all now ready to admit.

The late Edward J. Phelps said, of the Monroe Doctrine, that "expressing nothing, it may be understood to express anything;" and that the uncertainty of what is meant by it "is made apparent by the efforts of recent writers and orators to define it, for no two of them agree." These words were contained in an address delivered by him about three months after President Cleveland's manifesto with reference to the adjustment of the Venezuela boundary, as to which he "ventures respectfully to assert that it is a controversy we have no right to meddle with."⁶ Are we then consistent

⁶"The Monroe Doctrine," in "America and Europe: a Study of International Relations," pages 81, 82.

—to say nothing of prudence—in establishing a precedent, as a result of which some future administration, less cautious than the present one, shall fling a match into the “powder magazine of Europe”—the Balkans? We have been disposed in the past to jeer at and condemn what we call the feeble efforts of the Powers to come to an agreement in the matter of coercing the Porte, after the various Armenian and other massacres that have from time to time taken place in the Turkish dominions. It remains to be seen what figure we shall ourselves cut, when once the international Rubicon—in this case the broad Atlantic—is crossed; and we are taking our part, as a world Power, in the settlement of questions on which hang in truth—as we shall then find out—the fate of nations. President Roosevelt has called the war of 1898 a “little war.” And yet it was no less a soldier than the Duke of Wellington who, in addressing the House of Lords in January, 1838, and speaking of England, entreated his hearers, as well as the government, not to forget that a great country can have “no such thing as a little war.” That if certain operations were entered upon, “they must do it on such a scale, and in such a manner, and with such determination as to the final object,” as to make it quite certain that those operations would succeed, “and that, at the very earliest possible period.”⁷ Into such a war as might break out in Europe—and into which we might be drawn—we could not enter “with a light heart,” as the French are said to have begun that of 1870.

Since Moldavia and Wallachia—now included, with the Dobrudja, in the kingdom (until 1881 the principality) of Roumania—formerly constituted an integral portion of the Turkish empire, an extract from the introduction to Holland’s “European Concert in the Eastern Question” (published in 1880) may not be out of place here, as showing the advisability of letting sleeping dogs lie. “At the Congress of Vienna, the Eastern question was ignored, and with good reason. The Allies were sufficiently occupied in re-

⁷Jennings’s “Anecdotal History of the British Parliament,” page 239.

storing the balance of power in Western Europe, and were by no means anxious to encourage any movement on the part of discontented nationalities. The Emperor Alexander was perhaps additionally averse to any discussion which might interfere with the long-cherished designs of Russia upon Constantinople. A similar policy guided the subsequent Congresses of the Holy Alliance. . . . But the policy of the Holy Alliance fell into discredit, and the Western Powers had leisure during the long peace both to extend their sympathy to the subject races of the Ottoman empire and to watch with jealousy the encroachments made upon that empire by Russia." After reading these lines, it does not require a great deal of acumen to perceive what we might drift into, should we try to exert anything else than a moral influence in that sphere of action. Assertion of authority to interfere implies a certain responsibility for the result of such interference, whether joint or several. Yet, have we been sufficiently successful on the whole in our direct negotiations with Turkey, with reference to claims for injury to the persons or property of our citizens—except, it must be allowed, in the case of the Harpoot indemnity—to warrant the belief that we should do better than the great European Powers have done in the past? And is it so certain that our sympathy for distressed nationalities or peoples—as in this case for the Roumanian Jews—may not be worked upon to our injury; as there is danger, at any time, of its happening with respect to the South American republics? Precisely to the extent that Russia, Austria, and Prussia—the original Holy Alliance—have great interests at stake in the Balkan principalities, in just so far will neither one of them thank us for having prematurely stirred up matters, if—to employ the language of Mr. Holland, quoted above—they are as yet "by no means anxious to encourage any movement on the part of discontented nationalities;" and Russia in particular will be "additionally averse to any discussion which might interfere with" her "long-cherished designs" upon Constantinople.

A press dispatch from St. Petersburg, dated September 25, 1902, stated that the Russian Foreign Office had not as yet acted on Secretary Hay's note; that it "did not anticipate practical results therefrom; and that it apparently intended "to leave the initiative to the other signatories," as the question was "regarded as an internal affair of Roumania;" concluding thus: "The government of Russia is not inclined to insist on the performance of the Berlin treaty. It is pointed out that, even if the Powers acquiesced in Secretary Hay's proposal, Roumania could always claim that her anti-Semitic legislation was nonreligious and purely economic." This is the precise ground taken by Prince Lobanoff, Foreign Minister, and the Russian government in 1895, with reference to the exclusion of American Jews from the Russian empire.⁸

Taking into consideration, then, what Russia's influence has been in the past—and probably still is, notwithstanding that King Carol I. is a German—with the Roumanian government and people, is it so positive, in the light of our experience with the latter country, that her good intentions may not suffer from a backsliding; and that the next time our remonstrance is made the circumstances may be such, internationally, that the response will not be so favorable; that it may even—especially when relying, if not on the support of Russia, on that of one of the other signatory Powers most concerned—be so worded as to arouse a spirit of resentment in our people which might carry us further than we now think possible?

EDMUND ARTHUR DODGE.

⁸See his note to Mr. Breckinridge, our Minister at St. Petersburg, dated July 8, 1895; For. Rel., 1895; Russia.